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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,493	07/12/2007	Thomas Roiser	4301-1159	9331
<div>466 7590 09/29/2010</div> <div>YOUNG & THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>Alexandria, VA 22314</div>				
EXAMINER				
KING, BRADLEY T				
ART UNIT		PAPER NUMBER		
3657				
NOTIFICATION DATE		DELIVERY MODE		
09/29/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/573,493

Applicant(s)

ROISER, THOMAS

Examiner

Bradley T. King

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 3/24/2006, 1/12/2010

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Note the claims recite several instances of "its" and other informalities.

Claim 12 recites "bears a when". The meaning of this recitation is not clear.

Claim 16 recites "and clamps it between the open end of the tube and the end stop." It is not clear what is meant by "clamp" as the disclosed structure does not appear to have a clamping or retaining function. It is also note clear what corresponds to "it".

Claims 17-18 recite limitations in parenthesis. It is not clear if these features are required by the claims.

Claim 18 recites "the pole tube". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sampson et al (US# 2705634).

Sampson discloses a device characterized in that the tube (1) in which the rod-shaped body (12) is held with its lower end is a tube (1) closed on one side, that the helical compression spring (25) is clamped between the end of the rod-shaped body (11) held in the tube (1) and the bottom (9) of the tube (1), and that the elastic insert (19) which the rod-shaped body (12) on its end which is held in the tube (1) bears a when there is pressure on the rod- shaped body (12) in the direction of displacement into the tube (1) by the helical compression spring (25) is deformed such that is placed against the inner surface of the tube (1). Note column 1, lines 45-51.

Regarding claim 13, note intermediate disc 20 or 26.

Regarding claim 14, note end stop at 16.

Regarding claim 15, note end stop 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al (US# 2705634) in view of Schmidt (US# 6443271).

Sampson et al disclose all the limitations of the instant claims with exception to the explicit disclosure of end stops cooperating together. Schmidt discloses a similar device and further teaches an end stop arrangement 38-39 which limits compression displacement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an end stop mechanism, such as taught by Schmidt, in the device of Sampson et al to limit compression travel, thereby preventing potential damage to the internal structure of the damper.

Claims 12-15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allsop et al (US# 4244602) in view of Sampson et al (US #2705634).

Allsop et al disclose a device characterized in that the tube (14, 16) in which the rod-shaped body (46a) is held with its lower end is a tube closed on one side, and that the elastic insert (50a) which the rod-shaped body (46a) on its end which is held in the tube. Allsop et al lack a compression spring bearing against an elastic insert to deform it against the tube. Sampson discloses a similar shock absorbing device and further teaches the use of a spring to deform an elastic insert, thereby increasing damping by

adding a friction damping component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the piston cylinder device of Allsop et al to include a spring biasing an elastomeric insert, as taught by Sampson, to increase the available damping force in the device, thereby increasing user comfort.

Regarding claim 17, the tube 14 and 16 is a pole tube.

Regarding claim 18, the tube 16 is located within a pole tube 14.

Regarding claims 19 and 21, the rod shaped part 46 is coupled to the handle side part 24 of a pole tube 14 consisting of two parts 14 and 22 that can be telescoped into one another.

Regarding claim 20, the coupling between the rod shaped part 46 and the part 22 of the pole tube can be released by removal of screw 28.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGrath, Uemura, Bader and Yamada.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

BTK